

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DONALD BELTON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15CV819 RLW
)	
DANIEL GOLDEN, et al.,)	
)	
Defendants,)	

MEMORANDUM AND ORDER

In this action under 42 U.S.C. § 1983, defendants move to dismiss plaintiff's claims against them in their official capacities. The motion is granted.

Plaintiff alleged that defendants, who are correctional officers at the Eastern Reception Diagnostic and Correctional center, used excessive force against him. He sued defendants in both their individual and official capacities.

Naming a government official in his or her official capacity is the equivalent of naming the government entity that employs the official, in this case the State of Missouri. *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 71 (1989). "[N]either a State nor its officials acting in their official capacity are 'persons' under § 1983." *Id.* As a result, the complaint fails to state a claim against defendants in their official capacities. Therefore, the motion is granted.

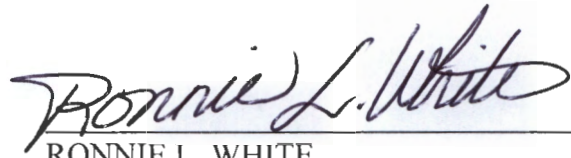
Accordingly,

IT IS HEREBY ORDERED that defendants' motion to dismiss [ECF No. 11] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's official-capacity claims are **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk is directed to update the docket sheet to reflect that "Unknown Golden" is Daniel Golden.

Dated this 12th day of August, 2015.

A handwritten signature in dark ink, reading "Ronnie L. White", written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE